

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

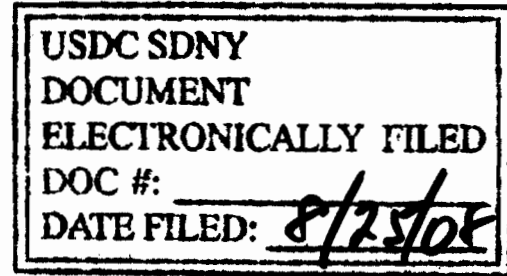
-----X  
CHRISTOPHER B. MICHELSEN,

Plaintiff,

-against-

ROBERT CHRISTOPHER MANAGEMENT  
CORP. and ROBERT CHRISTOPHER  
MARINE GROUP, INC., d/b/a ROBERT  
CHRISTOPHER MARINE YACHT SALES,  
and RCMYS, and ROBERT CHRISTOPHER  
YACHTS,

Defendants.  
-----X



08 Civ. 3560 (GEL)

**ORDER**

GERARD E. LYNCH, District Judge:

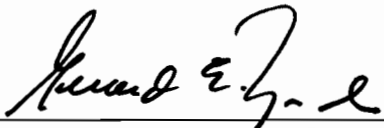
A review of court records indicates that the complaint in this action was filed on April 14, 2008, and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the Court, upon motion, or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice, as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the Court shall extend the time for service for an appropriate period.

In response to inquiries from the Court, counsel for plaintiff states that he has received a waiver of service from defendants, but a review of the docket sheet in this case indicates that no such waiver has been filed. The plaintiff is directed to file the waiver or other proof of service by September 2, 2008, or the complaint will be dismissed, for failure to prosecute, pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: New York, New York  
August 19, 2008

  
GERARD E. LYNCH  
United States District Judge